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From Alexander Cherkasky
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First Named Inventor and
Applicant: Alexander Cherkasky
Title of invention: Cherkasky fusion proteins containing antibody-, antigen- and microtubule-binding regions and immune-response triggering regions

Filing Date: 04/28/2006
Application No.: 10/577,613
Publication No.: US20070106066
Response to Action of examiner Dr. Nicole Kinsey White

Dear Mr. Gary Nickol,
Dear Madam, Dear Sir,

I appeal the final action made by the examiner Mrs. Dr. Kinsey White and I protest against the fact that she has made that action, because I asked to change the examiner and to delegate my patent application to any other examiner. Mrs. Dr. Kinsey White ignored and continued to ignore my arguments and her letters evoke the assumption, that she defends interests of those third parties who might be not interested, that this patent will be granted to me. The following are reasons for this my assumption:

1. On page 6 of her "Final Action" Mrs. Dr. Kinsey White has written: "Claims 22, 23 and 27 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kobatake et al... Kobatake et al discloses fusion proteins comprising maltose binding protein and Staphylococcal protein A." My claim 22 reads: "Fusion proteins comprising: regions selected from the group consisting of antibody binding regions, and microtubule-binding regions." Thus, my invention comprises

- a. fusion proteins containing antibody-binding regions and microtubule-binding regions and
- b. these my fusion proteins can be used as medicaments against cancer.

Thereby, Kobatake et al has disclosed proteins that are not claimed by myself in this patent application, his fusion proteins differ from those of mine both in structure and purpose and his fusion proteins are not for therapeutic purposes as my disclosed fusion proteins. I tried to convince Mrs. Dr. Kinsey White, but she seems to be resistant to my arguments. She ignored my arguments and it seems to be not possible to convince her.

2. On page 5 of her "Final Action" Mrs. Dr. Kinsey White has written: "Claims 11, 12, 14, 18, 22, 24 and 27 are rejected under 35 U.S.C. 102 (b) as being anticipated by Yoshida et al... Yoshida et al discloses fusion proteins comprising tau (microtubule-binding region) and GFP."

My fusion proteins comprise antigen-binding regions, microtubule-binding regions and immune-response triggering regions, therefore Yoshida's tau-GFP fusion can not be of relevance for my invention, exactlier for novelty of my invention. But despite of these facts she rejects all my claims!

3. On page 5 of her action is written: "Claims 11, 12, 14, 18, 22, 24 and 27 are rejected under 35 U.S.C. 102 (b) as being anticipated by Chapin et al... (page 6) Chapin et al discloses fusion proteins comprising MAP 4 (microtubule-binding region) and β -gal."

Also this fusion protein of Chapin is not relevant to the novelty of my invention of anticancer fusion proteins comprising antigen-binding regions, microtubule-binding regions and immune-response triggering regions.

4. On page 6 of her action is written: "Claims 11-13, 15, 22, 25, 26 and 27 are rejected under 35 U.S.C. 102 (b) as being anticipated by Shi et al... Shi et al. discloses a fusion protein consisting of crb B2 single chain antibody (scFv), Fc fragment of human IgG1 and IL-2."

I have already stated and state again that this Shi-fusion is not relevant for the novelty of my fusion proteins comprising antigen-binding regions, microtubule-binding regions and immune-response triggering regions.

5. On page 6 of her action is written: "Claims 11, 14, 18, 22, 24 and 27 are rejected under 35 U.S.C. 102 (b) as being anticipated by Zhou et al... Zhou et al. discloses fusion protein of human tau (microtubule-binding region) with green fluorescent protein (GFP)." Tau-GFP fusion is not relevant to my anticancer fusion proteins comprising antigen-binding regions, microtubule-binding regions and immune-response triggering regions, but in despite of this fact, examiner Mrs. Dr. Kinsey White rejects 6 claims.

6. She has written on the page 7: "Claims 11, 18 and 19 are rejected under 35 U.S.C. 102 (b) as being anticipated by Lehtio et al... Lehtio et al. discloses fusion protein of the cellulose binding molecules (CBMs) such as Cip A with a modified Staphylococcal protein A (ZZ-domain)." Again, Lehtio's fusion proteins do not contain microtubule-binding region and immune-response triggering regions and Lehtio's proteins are not against cancer.

I do not understand, why examiner Mrs. Dr. Kinsey White rejects my claims by using material, by which is obviously that this material is not relevant to the novelty of my claims.

In despite of this I withdraw drawings i.e. accept their abeyance and I send new amended claims. Please grant me the US Patent because this invention is novel, patentable, meets all patentability criteria and has a big potential to help people. The present invention deserves to be protected by the United States Patent and to be commercially implemented in the United States of America.

Sincerely,

A. Cherkasky

Alexander Cherkasky